

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6814 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DY EXECUTIVE ENGINEER

Versus

UMAR JUSAB SATHI

Appearance:

MS NAYANA V PANCHAL for Petitioner

Ms.D.N. Dave for MR JT TRIVEDI for Respondent No. 1

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 02/05/97

ORAL JUDGEMENT

Ms. Panchal appearing for the petitioner under instructions from the concerned Dy. Executive Engineer, Jilla Panchayat, Road and Buildings Sub-Division, Porbandar states that the petitioner is prepared to reinstate the respondent - workman in terms of the Award from due date with arrears from such due date, but without any backwages. Ms. Dave appearing for the respondent-workman submits that she forgoes the claim of

backwages as has been granted by the Labour Court.

Accordingly the consent order is passed that the respondent-workman shall be reinstated from due date alongwith the payment of the arrears from the due date of reinstatement in terms of the Award including the continuity of service of the period for which he remained out of employment, but the respondent-workman shall not be entitled to any backwges for this period. The orders with regard to reinstatement in terms of the Award shall be issued within a week's time and the respondent will be under an obligation to join immediately after the reinstatement orders are served, but two months time is granted for making the payment of the arrears from the due date. This Special Civil Application is accordingly allowed in part and the Rule is made absolute in the terms as aforesaid with no order as to costs.